

SECOND REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 538 & 565

90TH GENERAL ASSEMBLY

Reported from the Committee on Financial and Governmental Organization, March 9, 2000, with recommendation that the Senate Committee Substitute do pass.

TERRY L. SPIELER, Secretary.

2587S.03C

AN ACT

To repeal sections 32.055, 32.090 and 32.091, RSMo Supp. 1999, relating to motor vehicle records, and to enact in lieu thereof three new sections relating to the same subject.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Sections 32.055, 32.090 and 32.091, RSMo Supp. 1999, are repealed and three new sections enacted in lieu thereof, to be known as sections 32.055, 32.090 and 32.091, to read as follows:

32.055. Subject to the provisions of sections 32.090 and 32.091, the director of revenue [may] **shall not** sell lists of motor vehicle registrations **or other personal information held by the department of revenue for the purposes of bulk distribution for surveys, marketing and solicitations. Individual motor vehicle registration records and other personal information held by the department of revenue may be disclosed** to any **person or** organization organized under an act of the Congress of the United States in accordance with the fee limitations as provided in section 610.026, RSMo.

32.090. 1. The department of revenue shall keep a record of each application or other document filed with it and each certificate or other official document issued by it.

2. Except as otherwise provided by law, [all] records of the department of revenue are **not** public records and shall **only** be made available to the public according to procedures established by the department.

3. Except as otherwise provided by law, personal information obtained by the department shall **not** be disclosed to any person requesting such personal information [if] **unless** the individual whose personal information is requested has [not] elected to [prohibit the disclosure of] **disclose**

EXPLANATION--Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

such personal information pursuant to section 32.091.

32.091. 1. As used in sections 32.090 and 32.091, the following terms mean:

(1) "Motor vehicle record", any record that pertains to a motor vehicle operator's permit, motor vehicle title, motor vehicle registration or identification card issued by the department of revenue;

(2) "Person", an individual, organization or entity, but does not include a state or agency thereof;

(3) "Personal information", information that identifies an individual, including an individual's photograph, Social Security number, driver identification number, name, address, but not the five-digit zip code, telephone number, and medical or disability information, but does not include information on vehicular accidents, driving violations and driver's status.

2. The department of revenue may **only** disclose individual motor vehicle records pursuant to section 2721(b)(11) of Title 18 of the United States Code and may **only** disclose motor vehicle records in bulk pursuant to section 2721(b)(12) of Title 18 of the United States Code in the manner prescribed in this section. The department shall provide to all individuals for which such records are maintained a method by which an individual may ~~[prohibit]~~ **authorize disclosure of** personal information in such individual's records ~~[from being disclosed pursuant to this section]~~.

3. A notice that the personal information may **not** be disclosed pursuant to this section ~~[and a notice of]~~ **without** an individual's ~~[right to prohibit]~~ **authorization of** such disclosure shall be printed on all forms for issuance or renewal of motor vehicle titles and registrations prescribed in chapter 301, RSMo, and forms for issuance or renewal of motor vehicle operator's permits, licenses and personal identification cards issued pursuant to chapter 302, RSMo, in a clear and conspicuous manner. In addition, with respect to bulk disclosures, the department shall ensure that the personal information disclosed shall be used, rented or sold solely for bulk distribution for surveys, marketing and solicitations, and that such surveys, marketing and solicitations shall not be directed at individuals who have ~~[notified]~~ **not authorized** the department ~~[in a timely manner that they do not want]~~ **to disclose** the personal information contained in motor vehicle records ~~[disclosed]~~.

4. ~~[Notwithstanding any other provision of law to the contrary,]~~ The department of revenue shall **not** disclose any motor vehicle record or personal information permitted to be disclosed pursuant to sections 2721(b)~~[(1)]~~ **(2) to 2721(b)(5), 2721(b)(7) to 2721(b)(10) and 2721(b)(13) to 2721(b)(14)** of Title 18 of the United States Code **without an individual's authorization for disclosure pursuant to subsection 3 of this section.**

5. Pursuant to section 2721(b)~~[(14)]~~ of Title 18 of the United States Code, any person who has a purpose to disseminate to the public a newspaper, book, magazine, broadcast or other similar form of public communication, including dissemination by computer or other electronic means, may request the department to provide individual or bulk motor vehicle records, such dissemination being related to the operation of a motor vehicle or to public safety. Upon receipt of such request,

the department shall release the requested motor vehicle records. [It is the public policy of this state that records be open to the public unless otherwise provided by law. The disclosure provisions of this section shall be liberally construed and the exemptions strictly construed to promote this public policy.]

6. Notwithstanding any provision of law to the contrary, the department of revenue shall disclose any motor vehicle record or personal information to:

(1) Any governmental agency, including any court or law enforcement agency, for use in carrying out its functions, or any private person or entity acting on behalf of a federal, state or local agency in carrying out its functions;

(2) Any insurer or insurance support organization, or to a self-insured entity, or its agents, employees, or contractors, in connection with claims investigation activities, antifraud activities, rating or underwriting;

(3) Any motor vehicle manufacturer in connection with matters of motor vehicle or driver safety and theft, motor vehicle product alterations, recalls, advisories, warranty service, or performance monitoring or motor vehicles and dealers; and

(4) Any creditor regulated under the laws of this state or the United States in connection with the creditor's perfection or release of a lien on a certificate of title, or a repossession title administered by the department of revenue, including but not limited to, liens on a certificate of title of a motor vehicle, trailer, boat or any repossession of such motor vehicle, trailer or boat, and any bona fide agent of such creditor when such agent is registered as provided pursuant to sections 301.112 to 301.119, RSMo.